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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,598	04/15/2004	Dennis Gryp	3570	8035

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EXAMINER

EDELL, JOSEPH F

ART UNIT PAPER NUMBER

3636

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/825,598

Applicant(s)

GRYP, DENNIS

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,951,110 to Conner et al. in view of U.S. Patent No. 6,386,638 B1 to Strauch.

Conner et al. disclose a vehicle seat frame that is basically the same as that recited in claims 1-6 except that the body is not specified as a magnesium body, the aperture is not dimensioned to extend across one-third of the lateral dimension of the body, and the flanges lack extension to a greater extent along the perimeter of the body, as recited in the claims. See Figures 1-27 of Conner et al. for the teaching that the vehicle seat frame has a one piece cast body 32 (Fig. 2) with a top, a bottom, two sides, a front surface, and a back surface, an outer perimeter flange 42a,42b (Fig. 2) on the front surface of the body positioned adjacent each side and the top of the body, an inner perimeter flange (Figs. 2 and 7) on the front surface of the body positioned co-extensively with and spaced from the outer perimeter flange, two horizontally oriented flanges (Fig. 6) extending across the front surface of the body and positioned at a lower region of the body, at least two diagonally oriented flanges 64 (Fig. 2) extending across the front surface of the body, bridge flanges 58 (Fig. 2) extending across the outer and

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inner perimeter flanges, and an aperture 80 (Fig. 3) positioned in an upper region of the body. Strauch shows a vehicle seat frame similar to that of Conner et al. wherein the frame has a one piece cast magnesium body 1 (Fig. 1), an aperture 17 (Fig. 1) in an upper region of the body that extends across at least one-third of the lateral dimension of the body, flanges 10 (Fig. 1) extending outwardly from the front surface of the body to a greater extent along a perimeter of the body than at an inner region of the body. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle seat frame of Conner et al. such that the body is made of magnesium, the aperture in the upper region of the body extends across at least one-third of the lateral dimension of the body, and at least one of the horizontal oriented and/or diagonally oriented flanges extend outwardly from the front surface of the body to a greater extent adjacent the perimeter of the body than at an inner region of the body, such as the vehicle seat frame disclosed in Strauch. One would have been motivated to make such a modification in view of the suggestion in Strauch that the magnesium cast provides a body that is lightweight and has high structural integrity, the aperture extending across at least one-third of the upper region of the body serve to receive component parts, and the tapering flanges allows for superior flow of the body material between the flanges and the flat surfaces.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to vehicle seat frames:

U.S. Pat. No. 4,088,367 to Atkinson et al.    U.S. Pat. No. 4,588,228 to Nemoto  
U.S. Pat. No. 5,029,942 to Rink                      U.S. Pat. No. 5,328,248 to Nishiyama  
U.S. Pat. No. 5,984,419 to Partington et al.    U.S. Pat. No. 5,988,757 to Vishey et al.  
U.S. Pat. No. 5,897,168 to Bartelt et al.        U.S. Pat. No. 6,378,946 to Cope et al.  
U.S. Pat. No. 6,626,497 to Nagamitsu et al.    U.S. Publ. No. 20040174056 to Gryp et al.  
EP Pat. No. 0 881 116 to Bouhours              UK Pat. No. 2 400 795 to Gryp et al.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell  
June 21, 2005